MONTANA LEGISLATIVE HISTORY

Chapter 410 19 85

Bill H 155 S _____ Original bill & history ✓C

H. Committee on Judiciary			S. Committee on Judiciary		
Hearing Date(s)	Jan 15	✓C	Hearing Date(s)	Mar 15	✓C
	_____	___C		Mar 21	✓C
	_____	___C		_____	___C
	_____	___C		_____	___C
Date Out	Jan 15	✓C		Mar 21	✓C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

3/07	COMMITTEE REPORT-BILL CONCURRED		
3/09	2ND READING CONCURRED	48	0
3/12	3RD READING CONCURRED	50	0
	RETURNED TO HOUSE		
3/15	SIGNED BY SPEAKER		
3/15	SIGNED BY PRESIDENT		
3/18	TRANSMITTED TO GOVERNOR		
3/19	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 106 EFFECTIVE DATE: 3/19/85		

HB 154 INTRODUCED BY PISTORIA
REPEAL OF THE MONTANA ECONOMIC LAND DEVELOPMENT ACT

1/11	INTRODUCED		
1/11	REFERRED TO LOCAL GOVERNMENT		
1/22	HEARING		
1/23	COMMITTEE REPORT-BILL DO PASS		
1/26	2ND READING PASS	93	0
1/28	3RD READING PASS	99	0
	TRANSMITTED TO SENATE		
1/29	REFERRED TO TAXATION		
2/15	HEARING		
2/15	COMMITTEE REPORT-BILL CONCURRED		
2/18	2ND READING CONCURRED	50	0
2/20	3RD READING CONCURRED	46	3
	RETURNED TO HOUSE		
2/23	SIGNED BY SPEAKER		
2/25	SIGNED BY PRESIDENT		
2/25	TRANSMITTED TO GOVERNOR		
2/28	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 48 EFFECTIVE DATE: 10/01/85		

HB 155 INTRODUCED BY HARPER, GRADY, ET AL.
DECLARES A FELONY TO CAUSE OR ALLOW THE FIGHTING OF ANIMALS FOR SPORT

1/11	INTRODUCED		
1/11	REFERRED TO JUDICIARY		
1/15	HEARING		
1/15	COMMITTEE REPORT-BILL DO PASS		
1/19	2ND READING PASS	83	7
1/21	3RD READING PASS	94	4
	TRANSMITTED TO SENATE		
1/22	REFERRED TO JUDICIARY		
3/15	HEARING		
3/21	COMM REPORT-BILL CONCURRED AS AMENDED		
3/23	2ND READING CONCURRED	48	1
3/26	3RD READING CONCURRED	47	3
	RETURNED TO HOUSE WITH AMENDMENTS		
4/02	2ND READING AMENDMENTS CONCURRED	96	1
4/03	3RD READING AMENDMENTS CONCURRED	96	1
4/08	SIGNED BY SPEAKER		
4/08	SIGNED BY PRESIDENT		

4/09 TRANSMITTED TO GOVERNOR
4/10 SIGNED BY GOVERNOR
CHAPTER NUMBER 410 EFFECTIVE DATE: 10/01/85

HB 156 INTRODUCED BY RANEY, ELLISON, ET AL.
APPROPRIATION FOR CONSTRUCTION OF NATIONAL GUARD ARMORIES

1/11 INTRODUCED
1/11 REFERRED TO APPROPRIATIONS
3/11 HEARING
DIED IN COMMITTEE

HB 157 INTRODUCED BY WALDRON, JACOBSON
INCREASE PENALTIES FOR MANDATORY AUTO INSURANCE LAW AND MAKE MANDATORY

1/12 INTRODUCED
1/12 REFERRED TO JUDICIARY
1/15 FISCAL NOTE REQUESTED
1/17 HEARING
1/22 FISCAL NOTE RECEIVED
DIED IN COMMITTEE

HB 158 INTRODUCED BY HANSON, HOLLIDAY, ET AL.
CHANGING INSPECTION INTERVAL FOR SURFACE COAL MINES
BY REQUEST OF DEPARTMENT OF LABOR & INDUSTRY

1/12 INTRODUCED
1/12 REFERRED TO NATURAL RESOURCES
1/15 FISCAL NOTE REQUESTED
1/21 FISCAL NOTE RECEIVED
1/25 HEARING
DIED IN COMMITTEE

HB 159 INTRODUCED BY RAPP-SVRCEK, E. SMITH, REAM, ET AL.
SALE OR DISPOSAL OF ANIMALS KILLED IN DAMAGE HUNTS BY DFW&P OR LANDOWNER
BY REQUEST OF DEPARTMENT OF FISH, WILDLIFE & PARKS

1/12 INTRODUCED
1/12 REFERRED TO FISH & GAME
1/15 FISCAL NOTE REQUESTED
1/19 FISCAL NOTE RECEIVED
1/22 HEARING
2/01 COMMITTEE REPORT-BILL PASS AS AMENDED
2/02 2ND READING PASS 95 0
2/04 3RD READING PASS 100 0

TRANSMITTED TO SENATE
2/07 REFERRED TO FISH & GAME
3/07 HEARING
3/08 COMMITTEE REPORT-BILL CONCURRED
3/11 2ND READING CONCURRED 44 0
3/13 3RD READING CONCURRED 49 1

RETURNED TO HOUSE
3/15 SIGNED BY SPEAKER
3/15 SIGNED BY PRESIDENT

(To be kept current -- post bills when entering being heard or leaving committee.) Form CS-32

STATUS SHEET

FORTY-NINTH LEGISLATIVE SESSION

COMMITTEE ON JUDICIARY

HOUSE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
HB 115	1/7/85	1/9/85 1/11/85	(TABLED	1/11/85)					
HB 155	1/11/85	1/15/85	1/15/85	1/15/85					
HB 164	1/14/85	2/13/85	2/13/85			2/13/85			
HB 97	1/10/85	(died in committee)							
HB 181	1/14/85	1/18/85	1/18/85	1/18/85					
HB 157	1/12/85	1/17/85	(TABLED	1/17/85)					
HB 187	1/15/85	1/18/85	1/18/85			1/18/85			
HB 193	1/15/85	1/21/85	1/21/85		1/21/85				
HB 200	1/16/85	1/23/85	1/23/85			1/23/85			
HB 207	1/16/85	1/23/85	1/23/85		1/23/85				
HB 210	1/16/85	1/21/85 1/25/85	(Tabled bill 1-25-85)		(Reconsidered on 2/16/85) Passed out of committee on DO PASS AS AMENDED 2/18/85)				
HB 222	1/17/85	1/21/85	(TABLED	1/21/85)					
HB 246	1/18/85	1/24/85	1/24/85	1/24/85					
HB 265	1/18/85	1/22/85 2/12/85	2/12/85			2/12/85			
HB 275	1/19/85	1/22/85	(died in committee)						

[illegible]

LC 0513/01

HOUSE BILL NO. 155 Williams

INTRODUCED BY Harper Bush Boyd Smith Hill NATHE Eskridge Ellis Merck Cody Krueger Lory Arbanas Bush Kadas

A BILL FOR AN ACT ENTITLED: "AN ACT DECLARING IT A FELONY TO KEEP OR TRAIN AN ANIMAL WITH THE INTENT THAT THE ANIMAL BE ENGAGED IN AN EXHIBITION OF FIGHTING WITH ANOTHER ANIMAL, TO ALLOW OR CAUSE AN ANIMAL TO FIGHT ANOTHER ANIMAL, TO PERMIT A VIOLATION OF THIS ACT TO TAKE PLACE, OR TO AID, ABET, OR BE KNOWINGLY PRESENT AT SUCH FIGHTING BETWEEN ANIMALS; PROVIDING PENALTIES; AMENDING SECTION 45-8-211, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 45-8-211, MCA, is amended to read:

"45-8-211. Cruelty to animals. (1) A person commits the offense of cruelty to animals if without justification he knowingly or negligently subjects an animal to mistreatment or neglect by:

(a) overworking, beating, tormenting, injuring, or killing any animal;

(b) carrying any animal in a cruel manner;

(c) failing to provide an animal in his custody with proper food, drink, or shelter;

(d) abandoning any helpless animal or abandoning any animal on any highway, railroad, or in any other place where it may suffer injury, hunger, or exposure or become a public charge; or

(e) promoting, sponsoring, conducting, or participating in a horse race of more than 2 miles ~~or promoting,--sponsoring,--conducting,-or-participating-in-any fight-between-any-animals.~~

(2) A person convicted of the offense of cruelty to animals shall be fined not to exceed $500 or be imprisoned in the county jail for a term not to exceed 6 months, or both."

NEW SECTION. Section 2. Definition. For purposes of [section 3], "animal" means any cock, bird, dog, or living creature except man.

NEW SECTION. Section 3. Causing animals to fight -- owners, trainers, and spectators -- penalties -- exception. (1) A person commits the offense of causing animals to fight if he knowingly:

(a) owns, possesses, keeps, or trains any animal with the intent that such animal fight or be engaged in an exhibition of fighting with another animal;

(b) allows or causes any animal to fight with another animal or causes any animal to menace or injure another animal for the purpose of sport, amusement, or gain;

(c) permits any act in violation of subsection (1)(a) or (1)(b) to take place on any premises under his charge or

INTRODUCED BILL
HB 155

control, or aids or abets any such act;

(d) participates in or is knowingly present at such exhibition, fighting, menacing, or injuring of an animal for the purpose of sport, amusement, or gain.

(2) A person convicted of violating this section is guilty of a felony and shall be fined an amount not to exceed $5,000 or imprisoned in the state prison for a term of not less than 1 year or more than 5 years, or both such fine and imprisonment.

(3) Nothing in this section prohibits the following:

(a) accepted husbandry practices used in the raising of livestock or poultry;

(b) the use of animals in the normal and usual course of rodeo events; or

(c) the use of dogs in hunting as permitted by law.

NEW SECTION. Section 4. Codification instruction. Sections 2 and 3 are intended to be codified as an integral part of Title 45, chapter 8, part 2, and the provisions of Title 45 apply to sections 2 and 3.

-End-

MINUTES FOR THE MEETING
JUDICIARY COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

January 15, 1985

The meeting of the Judiciary Committee was called to order by Chairman Tom Hannah on Tuesday, January 15, 1985 at 9:00 a.m. in Room 312-3 of the State Capitol Building.

ROLL CALL: All members were present.

CONSIDERATION OF HOUSE BILL NO. 155: Hearing commenced on HB 155 with its chief sponsor, Representative Hal Harper, testifying in support of it. He said that this bill pertains to the sport of animal fighting, more particularly that of dogfighting. He said that this sport is growing in the United States, and he feels it is a very sadistic sport. He said that more states have been making the sport of dogfighting a felony. He informed members briefly of dogfighting's history and the procedure of dogfighting. A dog seldom participates in more than three or four matches because in approximately 40% of the fights, both dogs either die or are mortally wounded. In 75% of the fights, at least one dog will die.

He said that as more states make dogfighting a felony offense, the remaining states with low penalties will become havens for the dogfighters.

Also speaking in favor of the bill was Barbara Dahlgren, president of the Federated Humane Societies of Montana. She read her testimony (attached as Exhibit A) to the committee as to why she vehemently opposes dogfighting.

Judy Fenton, secretary/treasurer for the Federated Humane Societies of Montana, appeared and offered testimony in support of HB 155. She pointed out a number of concerns she had stating that dogfighting is a brutal activity that breeds violence. She had a concern for the young children that are encouraged to watch and participate in this activity; the illegal gambling it encourages; and the pet animals that are stolen by dogfighters to be used in training their fighting dogs. She stated that a small fine is no deterrent to the crime when so much money can be gained. A copy of her testimony is attached hereto and labeled Exhibit B.

There being no further proponents or opponents, Representative Harper made a brief closing statement. The chairman then opened the floor up for discussion.

Representative Eudaily stated that he has a problem with charging a spectator with a felony. He thought that perhaps a spectator could be charged with a misdemeanor but not a felony. Representative Harper said that it was a valid concern, but without

the participation of spectators, the sport couldn't continue. Therefore, he feels the spectators should be held accountable for their part in the crime.

There being no further discussion, hearing was closed on HB 155.

EXECUTIVE SESSION:

An executive session was called at 9:30 a.m. by the chairman to act on House Bills 155 and 103.

ACTION ON HB 155: Representative Rapp-Svrcek moved that HB 155 DO PASS. The motion was seconded by Representative Darko. Discussion followed. Representative Hannah questioned whether or not spectators should be charged with a felony. Representative Rapp-Svrcek felt very strongly that the felony provision should be left in the bill. Both Representatives Eudaily and Gould felt the felony provision should be left as is even when it involves the spectator. Representatives Addy and Grady also felt that because spectators are a part of the dogfighting scheme, they should be held accountable as well. The question was called and a roll call vote taken. Motion carried with Representative Dave Brown dissenting. (Representative Keyser was not present for this particular vote.)

ACTION ON HB 103: Representative Brown moved that HB 103 DO PASS. The motion was seconded by Representative Hannah and discussed. Representative Brown submitted three amendments. His first amendment would basically change a drafting mistake in the bill. The proposed amendment is as follows:

1. Page 3, line 1.
Following: "(a)"
Insert: "(i)"

2. Page 3, line 5.
Following: "adult;"
Insert: "or"

3. Page 3, line 6.
Strike: "(b)"
Insert: "ii"

Reletter subsequent subsections

4. Page 3, line 23.
Strike: (1)(a)(i) through (1)(a)(ix)
Insert: (1)(a)(ii)(A) through (1)(a)(ii)(J)

Representative Brown moved that the above amendments be adopted. The motion was seconded by Representative Miles, and a roll call vote taken. Motion carried unanimously.

DAILY ROLL CALL

HOUSE JUDICIARY COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 1-15-85

NAME	PRESENT	ABSENT	EXCUSED
Tom Hannah (Chairman)	✓		
Dave Brown (Vice Chairman)	✓		
Kelly Addy	✓		
Toni Bergene	✓		
John Cobb	✓		
Paula Darko	✓		
Ralph Eudaily	✓		
Budd Gould	✓		
Edward Grady	✓		
Joe Hammond	✓		
Kerry Keyser	✓		
Kurt Krueger	✓		
John Mercer	✓		
Joan Miles	✓		
John Montayne	✓		
Jesse O'Hara	✓		
Bing Poff	✓		
Paul Rapp-Svrcek	✓		

ROLL CALL VOTE

HOUSE COMMITTEE JUDICIARY

DATE 1-15-85 BILL NO. HB 155 TIME 9:45

NAME	AYE	NAY
Kelly Addy	✓	
Toni Bergene	✓	
John Cobb	✓	
Paula Darko	✓	
Ralph Eudaily	✓	
Budd Gould	✓	
Edward Grady	✓	
Joe Hammond	✓	
Kerry Keyser	✓	
Kurt Krueger	✓	
John Mercer	✓	
Joan Miles	✓	
John Montayne	✓	
Jesse O'Hara	✓	
Bing Poff	✓	
Paul Rapp-Svrcek	✓	
Dave Brown (Vice Chairman)		✓
Tom Hannah (Chairman)	✓	

Marcene Lynn
Secretary

Tom Hannah
Chairman

Motion: Representative Rapp-Svrcek moved that HB 155 DO PASS.

Motion seconded by Rep. Darko and passed.

EXHIBIT A
HB 155
1-15-85

Federated Humane Societies of Montana

TESTAMONY
HB 155
JUDICIARY COMMITTEE
JANUARY 15, 1985

My name is Barbara Dahlgren, President of the Federated Humane Societies of Montana. I have resided in Missoula for 40 years. I have spent 22 years in animal welfare work, on a local, state, and national level. During those years I have witnessed much unbelievable cruelty to animals in many forms, but never a cock or dog fight.

Due to the early scheduling of this hearing it has been impossible for us to secure the testimony of three gentlemen, all of whom have had experience assisting law enforcement officials with raids or "busts" on actual dogfights. They are Mr. Frantz Dantzler, Director of Field Services and Investigations for HSUS (the Humane Society of the United States), Washington, D.C., and Mr. Phil Stewart, Field Service Associate concerning Animal Protection for the American Humane Association, from Denver, and Mr. Dale Dunning, from the Humane Society of Arizona in Phoenix.

By the conclusion of our testimony today I am sure you will know much more about this gruesome so called "sport" than you care to.

WHAT IS DOGFIGHTING?

Dogfighting is a sadistic "contest" in which two dogs, specifically bred and trained to fight to the death, are placed in a "pit" and encouraged to attach and maul each other. This underground "sport" is presented to cheering spectators for their enjoyment and greed.

Dogfighting became an organized activity in this country in the early 1800's with the importation of the Staffordshire Terrier. This breed was originally developed in Britain as a pit dog by cross breeding the English Bulldog with various terriers to give it greater speed, agility, and intelligence. The Staffordshire Terrier is the forerunner of the American Pit Bull Terrier, the preferred breed of the dogfighting underworld. All pit bulls are not fighting dogs, but the dog was bred purely for its bite and jaw-strength. Weighing between 38 and 40 pounds, an American Pit Bull can down a 150-pound German Sheperd, because the Shepherds bite is only half as strong. Registered American Pit Bull pups frequently cost $300 to $500, and stud fees for champions or grand champions can top $1,000.

A typical dogfight "convention", consists of several matches. It takes weeks or months of planning by promoters and participants. It often involves dogs from several states and other countries. Those interested communicate with

each other through national magazines and newsletters. One underground newspaper is called "Your Friend and Mine".

Most matches are arranged by telephone and interested bettors and spectators may be notified by postcard. Handlers agree to fight their dogs on a specified date, at a weight, for a sum of money. Contracts are drawn up and signed, and contract fees of as much as $30,000 are put up immediately, in case one of the breeders forfeits.

A typical dogfight is held on a Saturday night. Promoters collect the guests from one or more meeting places. Caravans of several cars are led to a check-point, at which passengers are usually identified. No one gets any further unless they are recognized or vouched for by a known member of the inner circle of breeders or bettors. The group then proceeds to another checkpoint nearer the pit, where a stationary car waits to ensure that no one is following.

The actual "pit" site may not be decided until shortly before the convention. The "pit" itself is usually a twenty-foot square plywood arena, with a carpeted floor and two-and-a-half foot high sides. The "pit" can always be disassembled and taken elsewhere on short notice. Once inside the make-shift pit, no one can leave until the last match is over.

The promoter greets fanciers and collects the $10 to $50 admission fee. Women and children are often allowed to attend the "show" at no charge. There is a one or two hour delay between arrival and the start of the first match, during which time the fanciers dine and socialize.

Prior to the first match the handlers toss a coin in the presence of the referee to determine washing order and corners. They wash and examine each other's dogs. Dogs are washed down to ensure that no poisons are put on their bodies, and their teeth are checked to see if the owner has filed them even sharper. The dogs are then returned to their handlers wrapped in towels. Once in the pit the referee commands "Face your dogs," then "Release," at which point the dogs rush together and immediately attemptto gain an advantageous hold. The handlers stay within the dog's field of vision and encourage them by voice, claps and whistles. If a dog hesitates or turns its head away, the dogs are parted. Either a handler or the referee can call a turn. Handlers have 15 seconds to sponge away blood, saliva, and urine. The dog that committed the turn is released and must cross the pit and make contact within ten seconds and the fight resumes. This is called scratching. The fight continues until one of the dogs cannot or will not scratch to its opponent. Frequently a pit bull, carefully bred for aggressiveness, with continue to fight until it passes out or dies. Matches can last as long as two hours. If a handler senses that his dog is about to quit he will usually pick the dog up, thereby conceeding the match. If a dog finally refuses to continue fighting, this is called "curring out". If it "curs out" the dog is usually disposed of, often immediately.

While fighting, the dogs do not bark or growl. Most of the noise during a match comes from the spectators and handlers, shouting bets and encouragement. Breedersand observers at a fight make as many side bets as they can. Betting is vigorous and the stakes are high. Fifties and hundreds are the common denominators in ring-side betting. At the conclusion of the evening three

judges, who were chosen earlier, select the best fighting dogs of the night. They are awarded "Best in Show" and "Gamest" trophies.

WHY IS THIS CRUELTY TO ANIMALS?

Dogfighting causes acute suffering and pain to the dogs involved. American Pit Bull Terriers have extremely powerful jaw muscles and take hold with their front teeth while they chew away with their rear teeth. This produces severe bruising, as well as deep and straight cuts resembling knife and puncture wounds. While fighting there is no barking or growling. Just relentless biting and chewing, and blood everywhere! The only sounds from the dogs in the pit are those of crunching bones and cartilage. (A dog seldom participates in more than two or three matches because in about 49 percent of fights both dogs either die or are mortially wounded. Some enthusiasts claim that in 75 percent of fights at least one dog will die.) Even dogs who win their fights often die days or weeks later from their injuries.

Cruelty to animals is also a part of training a pit bull. Training a fighting pit bull is a full-time endeavor. It is officially called "in keep". According to writer Edward Meadows, a columnist for a South Carolina newsweekly; "Proper training of a bull terrier for dogfighting requires two dozen live kitten a week. Each kitten is tied to a stick and dangled in front of the dog to whet his lust for killing. A good pit bull will quickly tear the kitten's front legs off and then its head. After perhaps eight weeks of kittens...the dog graduates to the killing of puppies and small dogs. Some participants deny such things take place in training a pit bull. Another participant suggested that this was a good as any other way of getting ridof unwanted pets. Trainers look for these small animals through classified ads that offer puppies or kitten free, or they scout animal shelters which lack strong adoption policies and follow-up procedures. I assure you all Montana shelters arealert to this possibility and they deny questionable adoptions.

A "Cat Mill" may also be used in training the pit bull. It is a device with one or more rotating spokes radiating outward from a central axis planted in the ground. The dog is harnessed to one spoke and a small animal (dead or alive) is attached to a spoke in front of the dog as a lure.

Also fighting dogs arealsoforcedto run for hours on a treadmill to build its muscles, or they may have to swim in a tank for long periods. Prior to a fight, dogs are usually dehydrated to lesson blood loss and reduce their weight. This reduces their chances of recovering from a serious injury.

Approximately 40 federal and state law enforcement officials joined The HSUS in the raid. Two hundred and fifty people were caught at the dogfight site. Twenty were arrested on charges ranging from drug possession to possessing dogs as gambling devices.

— HSUS

An HSUS agent holds one of the seized pit bull terriers. All of the dogs were taken to a veterinarian's shelter. They are in the temporary custody of the U.S. Department of Agriculture.

The Animal Welfare Act (Animal Fighting Section)

Section 26. (a) It shall be unlawful for any person to knowingly sponsor or exhibit an animal in any animal fighting venture to which any animal was moved in interstate or foreign commerce.

(b) It shall be unlawful for any person to knowingly sell, buy, transport, or deliver to another person or receive from another person for purposes of transportation, in interstate or foreign commerce, any dog or other animal for purposes of having the dog or other animal participate in an animal fighting venture.

(c) It shall be unlawful for any person to knowingly use the mail service of the United States Postal Service or any interstate instrumentality for purposes of promoting or in any other manner furthering an animal fighting venture except as performed outside the limits of the United States.

California Law Should Be Example to Nation

The California law which prohibits dogfighting is printed below. The HSUS believes that this law is one of the nation's best. It makes dogfighting a felony and makes it a misdemeanor to be a spectator at a dogfight. After reading the law, you may want to compare it with your state's law.

If you think your state's law should be modeled after California's, send a copy to your legislator, governor, or attorney general.

§ 597.5 [Fighting dogs.] (a) Any person who does any of the following is guilty of a crime and is punishable by imprisonment in a state prison not to exceed one year and one day, or by imprisonment in a county jail not to exceed one year, or by a fine not to exceed fifty thousand dollars ($50,000), or by both such fine and imprisonment:

(1) Owns, possesses, keeps, or trains any dog, with the intent that such dog shall be engaged in an exhibition of fighting with another dog.

(2) For amusement or gain, causes any dog to fight with another dog, or causes any dogs to injure each other.

(3) Permits any act in violation of paragraph (1) or (2) to be done on any premises under his charge or control, or aids or abets any such act.

(b) Any person who is knowingly present, as a spectator, at any place, building, or tenement where preparations are being made for an exhibition of the fighting of dogs, with the intent to be present at such preparations, or is knowingly present at such exhibition or at any other fighting or injuring as described in paragraph (2) of subdivision (a), with the intent to be present at such exhibition, fighting, or injuring, is guilty of a misdemeanor.

DOGFIGHTING ON INCREASE

The dog fighting reports that have come to the public's attention has not even scratched the surface of the number of actual incidents that are taking place nationwide. This 10 month old Staffordshire Terrier male was rescued by a New York resident. The dog had been brought to a veterinarian for treatment of a badly injured leg. Due to extensive damage, the vet hospital had to amputate the leg; however, the owner never returned. No doubt he felt that he may be implicated in a possible legal action. Also, a 3-legged dog is no longer useful for the purpose for which his owner had used him. Clyde is a very sweet dog, gentle with adults but will only be adopted into a home where there are no other animals. Because of the particular breed, the Society is taking special precautions in adopting Clyde so that he will not be abused, misused, exploited nor would we want Clyde to be a threat to youngsters or animals. As we go to press, the Society has just picked up three other Staffordshire Terriers in the Newark area, 2 of which have been cruelly exploited, near starvation & one with extensive untreated leg injuries. A complaint hs already been signed against the owner of the 2 dogs. That story will appear in the next issue of the HUMANE NEWS. File 0-20770 (Forked River).

NATION-WIDE ADOPTION PROGRAM

The Society has been gratified by the number of people who have inquired about adopting a pet. All animals that are adopted out of state are neutered, are given heartworm tests, fecal checks, up-to-date inoculations, health and rabies certificates -- all at no charge to the adoptor. The only cost for those who are adopting an animal that is shipped by plane is the cost of the air freight and the airline kennel. For more information on a particular animal or a specific breed, please send a note to Nation-Wide Adoption Program, c/o Society, P.O. Box AF, Keyport, N J 07735.

Windsor, Connecticut

During a trip to the Society's Forked River facilities, Linda Giuliano of Woodbridge, Connecticut, saw an extremely affectionate young cat that just stole her heart away. Without hesitation, the lovable lass was quickly adopted. From the looks of the photo, it seems they have their own mutual admiration society.

Willington, Vermont

Featured on the April cover of the HUMANE NEWS was a black pup who had been rescued from a drunk in a bar. The man had negelected an extremely bad wound on the front paw of the sorrowful pup & from the condition of the coat, it was obvious that he had been kept in extremely tight, filthy quarters. There was no alternative but to amputate the leg. Laura Murphy of Willington, Vermont, who is the proud owner of 7 cats & an aging dog, has been looking to add another pooch to the household. As soon as she saw this sad sack, she hopped into her car & drove to the Society's Newark Animal Care Center where the 3-legged lad was waiting — with nary an offer for adoption. In a post-adoption conversation, Laura advises that "Pogo" has fit in just beautifully with her pets. He has rejuvenated her elderly dog who now enjoys exercising with his new playmate. Pogo is quite fearful of men. He also dislikes cars & refuses to get into one. No doubt, he fears that he'll be returned to the place from whence he came. Pogo's life is filled with love & companionship & before long, those cruel memories will soon be

PEST ELIMINATOR WARNING

There are many types of high frequency pest eliminators now on the market which are said to be effective against fleas, roaches, rats, mice, waterbugs, flies, mosquitoes, crickets, spiders, bats, bees, wasps, bats, squirrels, chipmunks, weasels, raccoons, skunks, moths, etc. Some of the names are Sonic Guard, Ultra Sonic pest Controller, Pestgon, Pest Free, Pests Away, Pest Guard. These are supposedly effective. However, if given time, they will kill gerbils, hamsters, mice, guinea pigs, rabbits, rats, etc. So if you have any of these as pets in your home, either move them to new quarters or use other methods of pest control.

AIRLINES CITED FOR VIOLATIONS

The U.S. Dept of Agriculture is asking that American Airlines be fined $3,000 in civil penalties for 9 counts of violating transportation standards of the Animal Welfare Act. On Dec. 20, 1980, American Airlines, headquartered in Dallas-Fort Worth Airport in Texas, shipped a cat which was dead on arrival at Boston, Mass. from exposure to freezing temperatures. Also, on 2 occasions between Feb. & March 1981, 7 dogs were shipped from Los Angeles to Honolulu in crates that were too small for them; Monkeys shipped from Tuscon to Washington, D.C. in crates that were inadquately ventilated, lacked rims to prevent obstruction of ventilation, there was no label indicating "wild animal" & nothing to indicate upright position. Moreover, on an inspection by the USDA, the Worth was not sufficiently cleaned & was littered with spilled feed & other materials. American has 20 days to respond to the charges.

The U.S. Dept. of Agriculture chaged Aeromech Airlines of Clarksburg, W. Va. shipped 12 rabbits intended as laboratory animals from Little Rock, Ark. to Portland, Ore. in poorly ventilated cardboard boses not strong enough to withstand the transportation nor were they marked as live animals. Aeromech Airlines agreed to a $150 penalty to settle the charge.

NEUTER IS NEATER! DON'T LET YOUR PET HAVE LITTERS.

EXHIBIT 6
HB 155
1-15-85

Federated Humane Societies of Montana

TESTIMONY ON HB 155
JANUARY 15, 1985

I am JUDY FENTON. I live at Blue Sky Heights near Clancy, Montana. I am presently Secretary/Treasurer for the Federated Humane Societies of Montana. This organization represents 8 Humane Societies across the State, plus we work closely with the Montana Animal Control Association. I have been involved with humane work on a local and state level for almost seven years.

CONCERNS OTHER THAN ANIMAL CRUELTY

Dogfighting is a violent, in-humane, brutal activity that breeds violence. Young children are often encouraged to watch and participate which makes them insensitive to animal cruelty and promotes an enthusiasm for violence, while at the same time developing a lack of respect for the law.

Illegal gambling is the norm at organized dogfights. Other than the enjoyment of watching the animals maim and injure each other, thousands of dollars exchange hands when the handlers and spectators wager hugh sums on their favorite dogs. The large sums of money involved in this activity makes it attractive to organized crime.

Undercover investigators of HSUS and AHA, at great personal risk, have aided law enforcement agencies across the country by infiltrating the dogfighting underworld. They insist that sex, drugs, guns, and even murder are part of the dogfighting lifestyle. Cut-rate prostitutes work the darkened pit rooms. Firearms and other weapons are quite common because of the large sums of money present. The sale and use of illegal drugs is common. In a recent raid in Arkansas 250 spectators were caught crowded around the pit and significant quantities of cocaine, marijuana, and hashish were found.

Another concern is the pet animals that are stolen by dogfighters to be used in training their fighting dogs.

WHY SHOULD DOGFIGHTING BE A FELONY OFFENSE?

A small fine is no deterrent to the crime when so much money can be gained. The dogfighters merely calculate the fines as a cost of doing business.

Because dogfighting involves so many people working to keep their "sport" a secret, an investigation and subsequent raid is a time-consuming event for law enforcement officials. So much work cannot be justified if the violators of the law will only be guilty of a minor misdemeanor. It is ironic that the most severe penalties doled out to those that have been arrested at dogfights in the past, have been on gambling, drug, and weapons charges -

not for the cruelty to animals. Law enforcement officials across the country have welcomed the upgrading of the penalty for dogfighting.

The cruelty involved should be punished by more than a slap on the hand. This cruelty is not a spur of the moment act. It is a pre-meditated act which is a serious offense against civilized society.

As more states make dogfighting a felony offense, the remaining states with low penalties will become havens for the dogfighters.

SOME STATES ALREADY HAVE FELONY LAWS

Dogfighting was declared illegal throughout most of Europe over a hundred years ago, and in 1976 the U.S. Federal Animal Welfare Act was amended to specifically outlaw dogfighting. In spite of this the activity has grown to immense proportions, especially in America. Dogfighters are so successful at being secretive that most Americans don't even know the activity exists. Too many of those who do know about it are under the impression that it's dying out. Nothing could be further from the truth. It is estimated that the dogfighting "elete" of breeders, handlers, trainers, promoters, and spectators, number over 810,000. In addition, amateures and backyard breeders, who think dogfighting is macho, have added to its popularity. Not only is it growing here in the U.S., but also in Japan, Germany, Canada, England, and in parts of South America.

No states had felony provisions for dogfighting in their law at the beginning of 1975. By 1981, seven states had enacted felony laws. Now the total is 28 states (SEE ATTACHED LIST) with several more expected before the year ends. Efforts are presently underway to enact this law in South Dakota and in Utah. Many of these state laws apply to all types of animal fighting, including cockfighting. It is clear that the public has become incensed with this kind of animal cruelty and wants to see it eradicated once and for all.

Since 1975, federal law has prohibited the interstate transportation of animals for fighting purposes and the use of the mail service to promote an animal fighting venture. Enforcement of this law was inadequate. In 1980 HSUS filed suit against the United States Department of Agriculture and the U.S. Department of Justice in an effort to see the law enforced.

HSUS investigators have information connecting dogfighters to every state in the U.S. Most of this data is gathered through the National Information Center on Pit Bulls. Mr. Dale Dunning from Arizona, whom Barbara already mentioned was unable to be here, has access to this information network. He said he could provide us with information to show a connection to dog-fighting in Montana. Although we are unable to show you definate proof today that organized dogfighting has actually taken place in Montana, those of us who do humane work have heard rumors of it for years.

While attending a large dogshow here two years ago, I got into a conversation with a couple from Billings who were showing a Staffordshire Terrier. The conversation got around to fighting dogs, and the man told me that a fight had taken place here in Helena the night before. He claimed that three pit bulls had been tore up so bad that after being examined by a vet they were put-to-sleep. When my husband came over to join me, he mentioned that I work

for a Humane Society. Needless to say, the guy clammed up quick. Those of us at the local Humane Society tried to find out if these animals had been treated by any of our vets. We even looked in their garbage dumpsters for the bodies, but we found nothing.

Even though it is illegal and there have been some "busts", on the whole there has been no concerted effort to clean up this activity. According to Mr. Frantz Dantzler, HSUS investigator, "The best way to end dogfighting is through good effective state laws that are enforced." All states need to help eradicate this cruel practice, and the best way to do this is to make dogfighting a felony in each state.

BEING A SPECTATOR SHOULD ALSO BE A FELONY OFFENSE

Since spectators do not merely "happen" upon one of these fights, but rather have to seek them out, they are willing participants in this criminal act and actually aid and abet such criminal action through their admission fees and the money they wager on the outcome of the fights. Without the money paid in admissions and the money wagered by the spectators, the fights would rarely take place.

STATES WHERE DOGFIGHTING IS A FELONY

1. Alabama
2. Alaska
3. Arizona
4. California
5. Colorado
6. Georgia
7. Illinois
8. Indiana
9. Kansas
10. Kentucky
11. Massachusetts
12. Michigan
13. Minnesota
14. Missouri
15. New Hampshire
16. New Mexico
17. New York
18. North Dakota
19. Ohio
20. Oklahoma
21. Rhode Island
22. Tennessee
23. Texas
24. Wisconsin
25. Louisiana

STATES UPGRADING DOGFIGHTING PENALTIES TO THE HIGHEST MISDEMEANOR

1. Arkansas
2. Nevada

VISITOR'S REGISTER

HOUSE JUDICIARY COMMITTEE

HOUSE BILL NO. 155 DATE 1-15-85

SPONSOR REP. HAL HARPER

(PLEASE PRINT NAME BELOW)

NAME	RESIDENCE	REPRESENTING	SUPPORT	OPPOSE
Jerdis Fenton	Blue Sky Heights Clancy, MT	Federated Humane Societies of MT	✓	
Barbara McElgin	Bozeman MT 834 Bardell St.	Fed. Humane Soc of MT	✓	
Shirley R. Danner	4624 Hwy 12W Helena	Lewis & Clark Humane Soc	YES	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

WITNESS STATEMENT

Name Eileen McClaren Committee On Increasing Penalty for Littering

Address 834 Panther St. Wis Date Jan 15, 1985

Representing Clarion Nurses Assn Support ✓

Bill No. HB 1575 Oppose

Amend

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. The grievance aspects of dog fighting was explained

2. How a dog fight takes place was explained and the fact that promoters do not treat one another with promises and others do.

3. American Pit Bull Terriers are bred especially for their strong jaws & aggressiveness recognized by special licensing requirements & similar to increase those put for licensing & similar to increase those put for

4. Selling
Spectators can only range by conviction since promoters do not trust anyone, other than themselves they know.
The inhumanness of it all & the crime element that accompanies this is called upon.
Fines do not reduce and increase fines.
Increasement.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

FORM CS-34
1-83

WITNESS STATEMENT

Name Judith Fenton

Address Blue Sky Heights #26 Clancy, Mt

Representing ~~Federated Humane~~ Society of Montana

Bill No. HB 155

Committee On HB 155

Date Jan 15, 1985

Support ✓

Oppose

Amend

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. Concerns other than animal cruelty — Dogfighting encourages insensitivity to cruelty and lack of respect for the law.
2. Sex, drugs, guns, and even murder are associated with dogfighting.
3. Why dog-fighting should be a felony offense? A small fine is no deterrent.
4. For only a minor misdemeanor law enforcement expends little effort. As more state increase the penalty these people move their activity to state like Montana where it is still a minor offense
Spectators are willing participants and must share the guilt & punishment.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

FORM CS-34
1-83

STANDING COMMITTEE REPORT

January 15 19 85

MR. SPEAKER:

We, your committee on JUDICIARY

having had under consideration HOUSE Bill No. 153

FIRST reading copy (WHITE color)

DECLARES A FELONY TO CAUSE OR ALLOW THE FIGHTING OF ANIMALS FOR SPORT

Respectfully report as follows: That HOUSE Bill No. 153

DO PASS

JC 1/15/85

STATE PUB. CO.
Helena, Mont.

JOE QUILICI

Chairman.

HOUSE BILL NO. 155 Williams

INTRODUCED BY Hagen, Dick, Pogue, Smith, Mercer, Kruegger, Lory, Arthur, Cates

A BILL FOR AN ACT ENTITLED: "AN ACT DECLARING IT A FELONY TO KEEP OR TRAIN AN ANIMAL WITH THE INTENT THAT THE ANIMAL BE ENGAGED IN AN EXHIBITION OF FIGHTING WITH ANOTHER ANIMAL, TO ALLOW OR CAUSE AN ANIMAL TO FIGHT ANOTHER ANIMAL, TO PERMIT A VIOLATION OF THIS ACT TO TAKE PLACE, OR TO AID, ABET, OR BE KNOWINGLY PRESENT AT SUCH FIGHTING BETWEEN ANIMALS; PROVIDING PENALTIES; AMENDING SECTION 45-8-211, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 45-8-211, MCA, is amended to read:

"45-8-211. Cruelty to animals. (1) A person commits the offense of cruelty to animals if without justification he knowingly or negligently subjects an animal to mistreatment or neglect by:

(a) overworking, beating, tormenting, injuring, or killing any animal;

(b) carrying any animal in a cruel manner;

(c) failing to provide an animal in his custody with proper food, drink, or shelter;

(d) abandoning any helpless animal or abandoning any animal on any highway, railroad, or in any other place where it may suffer injury, hunger, or exposure or become a public charge; or

(e) promoting, sponsoring, conducting, or participating in a horse race of more than 2 miles ~~or promoting,--sponsoring,--conducting,-or-participating-in-any fight-between-any-animals~~.

(2) A person convicted of the offense of cruelty to animals shall be fined not to exceed $500 or be imprisoned in the county jail for a term not to exceed 6 months, or both."

NEW SECTION. Section 2. Definition. For purposes of [section 3], "animal" means any cock, bird, dog, or living creature except man.

NEW SECTION. Section 3. Causing animals to fight -- owners, trainers, and spectators -- penalties -- exception. (1) A person commits the offense of causing animals to fight if he knowingly:

(a) owns, possesses, keeps, or trains any animal with the intent that such animal fight or be engaged in an exhibition of fighting with another animal;

(b) allows or causes any animal to fight with another animal or causes any animal to menace or injure another animal for the purpose of sport, amusement, or gain;

(c) permits any act in violation of subsection (1)(a) or (1)(b) to take place on any premises under his charge or

THIRD READING
HB 155

LC 0513/01

control, or aids or abets any such act;

(d) participates in or is knowingly present at such exhibition, fighting, menacing, or injuring of an animal for the purpose of sport, amusement, or gain.

(2) A person convicted of violating this section is guilty of a felony and shall be fined an amount not to exceed $5,000 or imprisoned in the state prison for a term of not less than 1 year or more than 5 years, or both such fine and imprisonment.

(3) Nothing in this section prohibits the following:

(a) accepted husbandry practices used in the raising of livestock or poultry;

(b) the use of animals in the normal and usual course of rodeo events; or

(c) the use of dogs in hunting as permitted by law.

NEW SECTION. Section 4. Codification instruction. Sections 2 and 3 are intended to be codified as an integral part of Title 45, chapter 8, part 2, and the provisions of Title 45 apply to sections 2 and 3.

-End-

CHAIRMAN--MAZUREK, JOE
NORMAL SCHEDULE==> SITE: OLD SUPREME COURT ROOM DAYS: M-TU-W-TH-F TIME: 10:00 A.M.-12 NOON

SECRETARY-STALEY, CINDY

BILL NO	REFER DATE	HEARING DATE	CONSIDERATION DATES	COMMITTEE ACTION	REREFERRED TO COMM	DATE OUT
HB0013	1/14	2/13		CONCUR		2/13
KENNERLY, ROLAND F.			REVISING FILING REQUIREMENTS FOR STATE/TRIBAL COOPERATIVE AGREEMENTS			
HB0044	1/15	3/11	3/13	CONCUR AS AMENDED		3/19
WALDRON, STEVE			REQUIRE PAYMENT OF VICTIM COUNSELING BY OFFENDER; RAPE OR INCEST			
HB0052	1/14	2/07		CONCUR AS AMENDED		2/11
MANUEL, REX			YOUTHS POSSESSING INTOXICATING SUBSTANCE; PARENTAL INTERFERENCE WITH ORDER			
HB0088	1/22	1/30		CONCUR		1/31
KEYSER, KERRY R.			AUTHORITY OVER AND POWERS OF PEACE OFFICER HELPING ANOTHER JURISDICTION			
HB0095	3/05	3/18		CONCUR AS AMENDED		3/23
RAMIREZ, JACK			LIMITING TIME WHEN BAD FAITH ACTION AGAINST INSURER CAN BE COMMENCED			
HB0103	1/22	2/07	2/11	CONCUR AS AMENDED		2/12
BROWN, DAVE			REVISE YOUTH COURT JURISDICTION - YOUTH HOMICIDE TRIABLE IN DISTRICT COURT			
HB0106	1/18	2/06		ADVERSE REPORT		2/12
CONNELLY, MARY ELLEN			PROHIBITING ASSIGNMENT OF CERTAIN RETIRED JUDGES FOR TEMPORARY SERVICE			
HB0109	1/14	1/29		ADVERSE REPORT		1/31
SCHYE, TED			REMOVE STATUORY CONFLICT ON CHARGING COSTS TO CONVICTED DEFENDANTS			
HB0155	1/22	3/15	3/15	CONCUR AS AMENDED		3/21
HARPER, HAL			DECLARES A FELONY TO CAUSE OR ALLOW THE FIGHTING OF ANIMALS FOR SPORT			
HB0164	2/22	3/05		ADVERSE REPORT		3/5
BRADLEY, DOROTHY			REQUIRE 180 DAYS' NOTICE TO VACATE MOBILE HOME RENTAL SPACE			
HB0181	1/22	3/12		CONCUR		3/12
REAM, BOB			COLLECTION OF CIVIL AND CRIMINAL PENALTY FOR HAZARDOUS WASTE VIOLATION			

MONTANA STATE SENATE
JUDICIARY COMMITTEE
MINUTES OF THE MEETING

March 15, 1985

The fiftieth meeting of the Senate Judiciary Committee was called to order at 10:05 a.m. on March 15, 1985, by Chairman Joe Mazurek in Room 410 of the Capitol Building.

ROLL CALL: All committee members were present, with the exception of Senator Crippen who was excused.

CONSIDERATION OF HB 155: Representative Hal Harper, sponsor of the bill, stated HB 155 deals with a problem that has been growing in recent years--the so-called sport of dog fighting. Dog fighting was made totally illegal in all of the countries in Europe more than 100 years ago. Dog fighting is illegal under the Federal Animal Act. This sport is a sadistic, bloody fight, usually to the death. In 40% of the cases, both dogs die or are mortally wounded. A dog that wins six fights is a grand champion. The dogs are usually 38-40 pound pit bull terriors. These fights are usually staged in a clandestine way. The fight itself is totally silent except for the noise of the dogs and the people. Guns and narcotics are almost always present. The main penalties they can get these people under are for narcotic and gun violations. In many cases, live animals are used for training. Since many states are passing felony laws, these people are moving into states that have misdemeanor penalty statutes. The reason the pressure is on in Montana is they seem to be moving into this area. Representative Harper feels this bill is preventive medicine. He also has amendments which will address the concerns of the falconers.

PROPONENTS: Barbara Dahlgren, President, Federated Humane Societies of Montana, presented written testimony in support of the bill (Exhibit 1). Judy Fenton, Secretary/Treasurer, Federated Humane Societies of Montana, presented written testimony in support of the bill (Exhibit 2).

OPPONENTS: Hal Williams, Vice President, Montana Falconers Association, stated they are not opposed to the bill but are concerned about the writing of it which outlaws the sport of falconry in Montana. He testified falconry is a legal sport in Montana, but page 3 of the bill, subparagraph (c), which states the use of animals in hunting and training as permitted by law, would no longer allow this. (Representative Harper stated this concern is what his amendment would address.)

QUESTIONS FROM THE COMMITTEE: Senator Towe asked what it is that falcons do that otherwise would be a problem. Mr. Williams responded as the law is written, it is pitting one animal against another. They are trained to do what they naturally do in the wild, except in relationship with the falconer. The falconers flush animals for the falcon to chase. Senator Pinsoneault asked Representative Harper why he hadn't provided that betting itself or the placing of a bet would amount to aiding or abetting. Representative Harper replied that concern is covered in the gambling laws. Representative Harper responded there are also amendments to address the concerns of the houndsmen. He further stated Representative Hannah wanted to come before the committee to testify he believed spectators should suffer the same penalties as those doing the training, and Representative Gould wanted to come before the committee to combat that position.

CLOSING STATEMENT: Representative Harper felt he wanted to keep Montana a civilized state.

Hearing on HB 155 was closed.

CONSIDERATION OF HB 187: Representative Hal Harper, sponsor of this bill, testified this would give the Department of Health the same cost recovery authority it has in the air quality and water quality areas. The number of waste water cases has risen. Most of the violations are that they refuse to submit the monthly test samples. The worst that will happen to them now is they will have to submit the test. Enforcing this is a drain on the department's funds. This money will go into the general fund. It seems like a good bill in terms of saving the state some money and getting the job done.

PROPONENTS: Frank Crowley, Assistant Attorney General with the Department of Health, presented written testimony in support of the bill (Exhibit 3). Mr. Crowley asked that the committee adopt the amendment shown on the last page of his testimony.

OPPONENTS: None.

QUESTIONS FROM THE COMMITTEE: Senator Mazurek asked who offered the amendment and why. Representative Mercer responded the state agency was coming in to get all of the costs, and there was no equality on the other side. There are a few in the House that don't like one-sided attorney fees. They would just as soon neither side get them. Mr. Crowley stated it was never the department's intention to get attorneys' fees; it was just to get the technical costs back. They did not include attorneys' fees, just costs.

bill if it will only be killed. Senator Mazurek responded you are engaging in a political game that must be fought in the papers. He would prefer not to fight that battle here in the committee. Senator Towe moved that HB 265 be amended by adding Ron Waterman's amendments and that it be given a BE CONCURRED IN recommendation. Chairman Mazurek stated he has previously announced the committee would not act on the bill without informing the public before it does so, however, he stated he would accept Senator Towe's motion believing it has been made after full consideration of the consequences. Senator Yellowtail asked what the effect of the passage or failure of the motion would be. Senator Towe responded the effect is they either leave it alone just like they want it and pass it out, and if we amend it, they'll kill the bill. Senator Shaw further explained that if the committee were to vote down the motion, the bill would remain in the committee and, hence, the subcommittee for further work. The motion failed with Senator Towe voting in favor.

ACTION ON HB 831: Senator Shaw moved HB 831 be recommended BE CONCURRED IN. Mr. Petesch explained this bill removes the objections the Ninth Circuit Court of Appeals had. The motion carried unanimously.

ACTION ON HB 706: Senator Shaw moved HB 706 be recommended BE CONCURRED IN. Mr. Petesch stated the question was what an occupied structure was. This bill codifies an Attorney General's opinion which differentiates between property on which structures customarily are found and unoccupied structures. He doesn't know what occupied property is. Representative Mercer said it is a vehicle, but that is covered in occupied structure. Senator Mazurek stated we either need to define it or get it out. He asked if we needed the bill. Mr. Petesch stated Montana statutes say "places another person in danger." The Attorney General says it doesn't matter if it is a fireman. He stated if you want to codify the Attorney General's opinion, we need the bill. Senator Brown moved as a substitute motion that we amend the bill as follows:

> Page 2, line 4..
> Following: "structure"
> Strike: remainder of line 4 through "property" on line 5

The motion carried unanimously. Senator Mazurek stated by sending the bill back, you are saying the law is what the law is. Senator Pinsoneault moved HB 831 be recommended BE CONCURRED IN AS AMENDED. The motion carried unanimously.

FURTHER CONSIDERATION OF HB 155: Senator Towe suggested changing the wording on page 2, lines 12-13, to read "any cock, bird, dog, or living creature except man." Mr. Petesch pointed out that would have the

effect of legitimizing the old bear and bull fights in Montana. Senator Mazurek suggested changing the wording to "or mammel." He then asked Mr. Petesch to work on these amendments. Senator Towe also stated he had some trouble with "participants." He suggested we strike the word "such" on page 3, line 2, and replace it with the word "any." He also suggested changing the wording on page 3, line 3, to read "exhibition in which animals are fighting, for the purpose of . . . ." He believes that would limit it to a participant.

TABLING OF HB 353: Senator Mazurek stated he thinks this goes too far. He believes it's burglary to even enter a residence. If you intend to commit any offense (trespass), that makes it aggravated burglary. Senator Towe pointed out weapons or bodily injury must result. There also must be intent to commit an offense. Senator Pinsoneault stated this bill expands the scope of present law. Mr. Petesch pointed out the biggest effect of this would be if the guy takes less than $300 worth of merchandise and he negligently injures somebody, not only is it burglary, now it is aggravated burglary. Senator Blaylock asked if the bill were needed. Senator Towe replied it's okay. Senator Pinsoneault did not feel it was earthshaking. Senator Towe pointed out the penalty for aggravated burglary is 40 years and a $50,000 fine, while the penalty for non-aggravated burglary is 10 years and a $50,000 fine. Senator Blaylock moved HB 353 be TABLED. The motion carried with Senators Brown, Galt, and Pinsoneault voting in opposition.

ACTION ON HB 371: Mr. Petesch stated looking at the accession provision of the Uniform Commercial Code law, the UCC covers accessions, and the question becomes when the security interest attaches. Under the UCC, if the vehicle is sold, that cuts off that security interest. The problem that is unaddressed is where the bank makes a loan to buy the truck, the tires are put on, and the bank repossesses. Senator Mazurek pointed out this bill speaks only to the repossession. Senator Towe stated it is addressed if the bank makes an extension of credit after the tires are mounted, then the bank's interest is supplemental only to the extent new money is lent by the bank. He felt the UCC covers a bona fide purchaser. Senator Shaw moved HB 371 be recommended BE CONCURRED IN. The motion carried unanimously.

ACTION ON HB 286: Senator Towe moved HB 286 be amended as follows:

1. Page 2, line 20.
Following: "utility."
Insert: "Collection under subsection (2) precludes collection under this subsection."

ROLL CALL

SENATE JUDICIARY COMMITTEE

49th LEGISLATIVE SESSION -- 1985 Date 02/5/85

NAME	PRESENT	ABSENT	EXCUSED
Senator Chet Blaylock	X		
Senator Bob Brown	X		
Senator Bruce D. Crippen			X
Senator Jack Galt	X		
Senator R. J. "Dick" Pinsoneault	X		
Senator James Shaw	X		
Senator Thomas E. Towe	X		
Senator William P. Yellowtail, Jr.	X		
Vice Chairman Senator M. K. "Kermit" Daniels			
Chairman Senator Joe Mazurek	X		

NAME: Joanna L. McClafferty DATE: March 15, 85

ADDRESS: 834 Breckenridge St. Missoula, MT 59801

PHONE: 549-7473

REPRESENTING WHOM? Board of Housing and Community Development

APPEARING ON WHICH PROPOSAL: H.B. #155

DO YOU: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

COMMENTS: Because there shall be the state house and annual legislative sessions - state agencies at times are forced to make decisions on issues of controversy in the absence of their board chairmen - The Board of Housing helps people throughout the state to do goals. Assistance, do not have decision making authority. The decisions are made by employees and consultants.

Montana should certainly be one of the states governing the fact owning but it does to make annual trips to Helena.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 1
DATE 031585
BILL NO. HB 155

Federated Humane Societies of Montana

TESTAMONY
HB 155
SENATE JUDICIARY COMMITTEE
MARCH 15, 1985

My name is Barbara Dahlgren, President of the Federated Humane Societies of Montana. I have resided in Missoula for 40 years. I have spent 22 years in animal welfare work, on a local, state, and national level. During those years I have witnessed unbelievable cruelty to animals, but never a cock or dog fight.

At the conclusion of our testimany today I'm sure you will know much more about this bloody, savage, so called "sport" than you care to.

WHAT IS DOGFIGHTING?

Dogfighting is a sadistic "contest" in which twodogs, specifically bred and trained to fight to the death, are placed in a "pit" and encouraged to attack and maul each other. This underground "sport" is presented to cheering spectators for their enjoyment and greed.

Dogfighting became an organized activity in this country in the early 1800's with the importation of the Staffordshire Terrier. This breed was originally developed in Britain as a pit dog by cross breeding the English Bulldog with various terriers to give it greater speed, agility, and intelligence. The Staffordshire Terrier is the forerunner of the American Pit Bull Terrier, the preferred breed of the dogfighting underworld today. All pit bulls are not fighting dogs, but the dog was bred purely for its bite and jaw-strength. Weighing between 38 and 40 pounds, an American Pit Bull can down a 150-pound German Shepard, because the Shephard's bite is only half as strong. By comparison, the bite pressure of a German Shepard is approximately 750 lbs. per square inch, while the pit bulls have a crushing force of up to 2,000 lbs. per square inch. Registered American Pit Bull pups frequently cost $300 to $500, and stud fees for champions or grand champions can top $1,000. This may explain why once impounded, pit bulls are the breed most frequently stolen from pounds and animal shelters.

A typical dogfight "convention", consists of several matches. Main events are often preceeded by contests between mixed breeds. It takes weeks or months of planning by promoters and participants. It often involves dogs from several states and other countries. Those interested communicate with each other through national magazines and newsletters. One Underground newspaper is called "Your Friend and Mine".

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 1
DATE 031585
HB 155

Most matches are arranged by telephone and interested bettors and spectators may be notified by postcard. Handlers agree to fight their dogs on a specified date, at a weight. for a sum of money. Contracts are drawn up and signed, and contract fees of as much as $30,000 are put up immediately, in case one of the breeders forfeits.

A typical dogfight is scheduled on a Saturday night in a warehouse, barn, vacant house, basement or a heavily wooded area. Promoters collect the guests from one or more meeting places. Caravans of several cars are led to a check-point, at which passengers are usually identified. No one gets any further unless they are recognized or vouched for by a known member of the inner circle of breeders or bettors. The group then proceeds to another checkpoint nearer the pit, where a stationary car waits to ensure that no one is following.

The actual "pit" site may not be decided until shortly before the convention. The "pit" itself is usually a twenty-foot square plywood arena, with a carpeted floor and two-and-a-half foot high sides. The "pit" can always be disassembled and taken elsewhere on short notice. Once inside the make-shift pit, no one can leave until the last match is over.

The promoter greets fanciers and collects the $10 to $50 admission fee. Women and children often attend these fights also. There is a one or two hour delay between arrival and the start of the first match, during which time the fanciers dine and socialize.

Prior to the first match the handlers toss a coin in the presence of the referee to determine washing order and corners. They wash and examine each other's dogs. Dogs are washed to ensure that no poisons are put on their bodies, and their teeth are checked to see if the owner has filed them even sharper. The dogs are then returned to their handlers wrapped in towels. Once in the pit, the referee commands "face your dogs," then "release," at which point the dogs rush together and immediately attempt to gain an advantageous hold. The handlers stay within the dog's field of vision and encourage them by voice, claps and whistles. If a dog hesitates or turns its head away, the dogs are parted. Either a handler or the referee can call a "turn." Handlers have 15 seconds to sponge away blood, saliva, and urine. The dog that committed the "turn" is released and must cross the pit and make contact within ten seconds, and the fight resumes. This is called "scratching." The fight continues until one of the dogs cannot or will not "scratch" to its opponent. Frequently a pit bull, carefully bred for aggressiveness, will continue to fight until it passes out or dies. Matches can last as long as two hours. If a handler senses that his dog is about to quit, he will usually pick the dog up, thereby conceeding the match. If a dog finally refuses to continue fighting, this is called "curring out." If the dog "currs out" it is often shot or its head bashed in immediately. Handlers have been heard to remark, "There's no use feeding a dog that won't fight."

While fighting, the dogs do not bark or growl. Most of the noise during a match comes from the spectators and handlers, shouting bets and encouragement. Breeders and observers at a fight make as many side bets as they can. Betting is vigorous and the stakes are high. Fifties and hundreds are the common denominators in ring-side betting. The State, of course, realizes no revenue.

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 1
DATE 031585
BILL NO. HB 155

from this betting. Bettors are known by their first names only, and otherwise remain annonymous. At the conclusion of the evening three judges, who were chosen earlier, select the best fighting dogs of the night. They are awarded "Best in Show" and "Gamest" trophies.

WHY IS THIS CRUELTY TO ANIMALS?

Cock and dog fighting is cruelty in it's worst form, since the animals have no option as to whether they will participate, as is the case when human beings box or wrestle. Dogfighting causes acute suffering and pain to the dogs involved. American Pit Bull Terriers have extremely powerful jaw muscles as I've previously explained. They take hold with their front teeth, while they chew away with their rear teeth. This produces severe bruising, as well as deep and straight cuts resembling knife and puncture wounds. While fighting there is no barking or growling, Just relentless biting and chewing, and blood everywhere! The only sounds from the dogs in the pit are the crunching of bones and cartilage. A dog seldom participates in more than two or three matches because in about 49 percent of fights both dogs either die or are mortially wounded. Some enthusiasts claim that in 75 percent of fights at least one dog will die. Even dogs who win their fights often die days or weeks later from their injuries.

Cruelty to animals is also a part of training a pit bull. Training a fighting dog is a full-time endeavor. It is offically called "in keep." According to writer Edward Meadows, a columnist for a South Carolina newsweekly; "Proper training of a bull terrier for dogfighting requires two dozen live kittens a week. Each kitten is tied to a stick and dangled in front of the dog to whet his lust for killing. A good pit bull will quickly tear the kitten's front legs off and then its head. After perhaps eight weeks of kittens...the dog graduates to the killing of puppies and small dogs. Some participants deny such things take place in training a fighting dog, but one participant was heard to say that he thought this was as good a way as any other of getting rid of unwanted pets. Trainers look for these small animals through classified ads that offer puppies or kittens free, or they scout animal shelters which lack strong adoption policies and follow-up procedures. I assure you that all Montana shelters are alert to this possibility, and they deny any questionable adoptions.

A "Cat Mill" may also be used in training the fighting dog. It is a device with one or more rotating spokes radiating outward from a central axis planted in the ground. The dog is harnessed to one spoke and a small animal (dead or alive) is attached to a spoke in front of the dog as a lure.

Fighting dogs are also forced to run for hours on a treadmill to build up muscles, or they may have to swim in a tank for long periods. Prior to a fight, dogs are usually dehydrated to lesson blood loss and reduce their weight. This reduces their chances of recovering from a serious injury.

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 1
DATE 031585
BILL NO. HB 155

NAME: Judith Fenton DATE: 3/15/95

ADDRESS: Blue Sky Heights #26, Clancy, MT 59634

PHONE: 933-5922

REPRESENTING WHOM? Federated Humane Societies of Mont.

APPEARING ON WHICH PROPOSAL: HB 155

DO YOU: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

COMMENTS: Montana needs to pass this legislation To protect itself from any increase in professional dogfighting activity. Passing this will cause no added expense to the State at this time.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 2
DATE 031585
BILL NO. HB 155

Federated Humane Societies of Montana

TESTIMONY ON HB 155
SENATE JUDICIARY COMMITTEE
MARCH 15, 1985

I am Judy Fenton. I live at Blue Sky Heights near Clancy, Montana. I am presently Secretary/Treasurer for the Federated Humane Societies of Montana. This organization represents 8 Huamne Societies across the State, plus we work closely with the Montana Animal Control Association. I have been involved with humane work on a local and State level for almost seven years.

CONCERNS OTHER THAN ANIMAL CRUELTY

Dogfighting is a violent, in-humane, brutal activity that breeds violence. Young children are often encouraged to watch and participate which makes them insensitive to animal cruelty and promotes an enthusiasm for violence, which at the same time develops a lack of respect for the law.

Dogfighting is just another excuse for gambling. Other than the enjoyment of watching the animals maim and injure each other, thousands of dollars exchange hands when the handlers and the spectators wager hugh sums on their favorite dogs. The large sums of money involved in this activity makes it attractive to organized crime.

Undercover investigators of HSUS and AHA, at great personal risk, have aided law enforcement agencies across the country by infiltrating the dogfighting underworld. They insist that sex, drugs, guns, and even murder are part of the dogfighting lifestyle. Cut-rate prostitutes work the darkened pit rooms. Firearms and other weapons are quite common because of the large sums of money present. The sale and use of illegal drugs is common.

Another concern is the pet animals that are stolen by dogfighters to be used in training their fighting dogs.

WHY SHOULD DOGFIGHTING BE A FELONY OFFENSE?

A small fine is no deterrent to the crime when so much money can be gained. Professional dogfighting is big business. The dogfighters merely calculate the possible misdemeanor fines that they may incur as a cost of doing business.

Because dogfighting involves so many people working to keep their "sport" a secret, an investigation and subsequent raid is a time-consuming thing for law enforcement officials. So much work cannot be justified if the violators will only be guilty of a minor misdemeanor. It is ironic that the most severe penalties doled out to those that have been arrested at dog-fights in the past, have been on gambling, drug, and weapons charges - not for the cruelty to animals. Law enforcement officials across the country have welcomed the upgrading of the penalty for dogfighting.

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 2
DATE 031585

The cruelty involved should be punished by more than a slap on the hand. This cruelty is not a spur of the moment act. It is a pre-meditated act which is a serious offense against civilized society.

As more states make dogfighting a felony offense, the remaining states with low penalties will become havens for the dogfighters. Promoters gravitate to areas when this "sport" is a misdemeanor, since they know it is hardly worth the while of law enforcement folks to arrest them.

SOME STATES ALREADY HAVE FELONY LAWS

Dogfighting was declared illegal throughout most of Europe over a hundred years ago, and in 1976 the U.S. Federal Animal Welfare Act was amended to specifically outlaw dogfighting. In spite of this, the activity has grown to immense proportions, and is especially on the increase in America. Dogfighters move in an underground world more secretive than thatof Klansmen or of drug dealers. They are so successful at being secretive that most Americans don't even know the activity still exists. Many of those who do know about it are under the impression that it is dying out. Nothing could be further from the truth. It is on the increase. In addition, amateures and backyard breeders, who think it is macho, have added to its popularity. Not only is it growing here in the U.S., but also in Japan, Germany, Canada, England, and in parts of South America.

No states had felony provisions for dogfighting in their laws at the beginning of 1975. By 1981, seven states had enacted felony laws. Now the total is 29 states, since Virginia passed this law after the 1st of this year. This law has a good chance of passing soon in South Dakota and Wyoming. Many of these state laws apply to all types of animal fighting, including cockfighting. It is thus clear that the public has become incensed with this kind of animal cruelty and wants to see it eradicated once and for all.

Since 1975, Federal law has prohibited the intersate transportation of animals for fighting purposes and the use of the mail service to promote an animal fighting venture. Enforcement of this law has been practically nil. In 1980 HSUS filed suit against the United States Department of Agriculture and the U.S. Department of Justice in an effort to see this law enforced. I don't think a judgement has been made in this suit yet. Thus it has been left up to local law enforcement and animal welfare groups to try to investigate animal fights and to seek prosecutions.

HSUS investigators have information connecting dogfighters to every state in the U.S. Most of this data is gathered through a National Information Center on Pit Bulls. According to Mr. Philip Steward of the American Huamne Association in Denver, dogfighting activity is moving Westward from the East and South. At present, they seem to be concentrating in Utah, because it is still only a misdemeanor, and because Utah is the home of Ralph Greenwood, publisher of a major dogfighters magazine. By passing this legislation, Montana will protect itself against a major increase of this activity. Although we are unable to show you definate proof today that organized dogfighting has actually taken place in Montana, those of us who do humane work have heard rumors of it for years.

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 2
DATE 031585
HB 155

While attending a large dogshow here two years ago, I got into a conversation with a couple from Billings who were showing a Staffordshire Terrier. The conversation got around to fighting dogs, and the man told me that a fight had taken place here in Helena the night before. He claimed that three pit bulls had been tore up so bad that, after being examined by a vet, they were put-to-sleep. When my husband came over to join me, he mentioned that I work for a Humane Society. Needless to say, the guy clammed up quick. Those of us at the local Humane Society tried to find out if these animals had been treated by any of our vets. We even looked in their garbage dumpsters for the bodies, but we found nothing.

Even though it is illegal and there have been some "busts", on the whole there has been no concerted effort anywhere to clean up this activity. According to Mr. Frantz Dantzler, a HSUS investigator, "The best way to end dogfighting is through good effective state laws that are enforced." All states need to help eradicate this cruel practice, and the best way to do this is to make dogfighting a felony in each state. It has no place in a civilized society. It began with a culture that died out because of decadent behavior. It should end with a culture that respects life.

BEING A SPECTATOR SHOULD ALSO BE A FELONY OFFENSE

Since spectators do not merely "happen" upon one of these fights, but rather have to seek them out, they are willing participants in this criminal act and actually aid and abet such criminal action through their admission fees and the money they wager on the outcome of the fights. Without the money paid in admissions and the money wagered by the spectators, the fights would rarely take place.

THANK YOU

We thank all of you Senators for your sincere consideration of this matter.

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 2
DATE 031585
BILL NO. HB 155

DATE _____

COMMITTEE ON _____

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One: Support	Check One: Oppose
[illegible]	Mt. Humane Soc. Assn	155	✓	
Judith Fenton	Federated Humane Societies	155	✓	
Bruce Houston	St. Fire Marshal	706	✓	
Patrick Sheehy	Montana Society of Hospital Community Relations	681	✓	
Frank Crowley	DEQ Health	187	✓	
Harold Williams	Montana Falconers Ass.	155		
[illegible]	Mont. Hospital Assn	681	✓	
[illegible]	Montana Hospital Assn	681	✓	
[illegible]	Montana Hospital Association	681	✓	
[illegible]	Sponsor - House District #72	395	✓	
Mark L. Murphy	MCEA	700	✓	
[illegible]	Missoula County Pub. Schools	700		✓
[illegible]	District Judge	700	✓	
Rick Gebhardt	Missoula Rural Fire Dept	706	✓	
Creighton Sayles	Missoula Rural Fire Dept	706	✓	
[illegible]	DHES	187	✓	
[illegible]	AITEX	187	✓	
[illegible]	MT Funeral Directors Assn.	681		✓
Curtis Campbell	MT Assn of Churches	HB 200	✓	

(Please leave prepared statement with Secretary)

MONTANA STATE SENATE
JUDICIARY COMMITTEE
MINUTES OF THE MEETING

March 21, 1985

The fifty-fourth meeting of the Senate Judiciary Committee was called to order at 10:07 a.m. on March 21, 1985, by Chairman Joe Mazurek in Room 325 of the Capitol Building.

ROLL CALL: All committee members were present.

CONSIDERATION OF HB 609: Representative Jack Ramirez, sponsor of HB 609, testified this bill does not require a whole lot of concern. The National Commission on Uniform Laws recommended this legislation regarding durable powers of attorneys. We have the law on the books already. It is a very important law. This will save the expense of people who have relatives who become incapacitated. With a durable power of attorney, they are able to deal without the tremendous expense of a conservatorship.

PROPONENTS: Doug Olson, of the State of Montana Seniors' Office, presented written testimony in support of the bill (Exhibit 1).

OPPONENTS: None.

QUESTIONS FROM THE COMMITTEE: None.

CLOSING STATEMENT: Representative Ramirez stated he had some written material from the Commission of Uniform Laws if anyone wanted to see it.

Hearing on HB 609 was closed.

ACTION ON HB 609: Senator Pinsoneault moved HB 609 be recommended BE CONCURRED IN. The motion carried unanimously.

CONSIDERATION OF HB 541: Representative Paula Darko, sponsor of HB 541, testified this bill was submitted at the request of several district court judges (see correspondence regarding bill request, Exhibit 2). What this bill says is any person who multiplies legal proceedings is responsible for the payment of costs. There were questions in the House committee that the court would invoke this reprimand. There is some federal case law cited in the material provided to the committee.

PROPONENTS: None.

just because he is a smoker. On a statistical basis, he agrees, but on a particular individual basis, he disagrees. Senator Mazurek stated the question he has is you are right, but how does the insurance company make a determination about your son. Are they going to calculate a rate for every individual policyholder? Senator Towe responded just because he is a male should not come into it. Senator Mazurek stated what he keeps hearing is those are the factors he can't change. I can say I am only going to drive five miles, but I drive 500. Senator Towe responded the enforcement is different. Maybe there are other criteria that will come along that will make it even better than mileage. There are a lot of people who have no choice, but because of an accident of birth they pay higher or lesser insurance premiums. The motion failed (see roll call vote attached as Exhibit 10). Senator Towe moved HB 507 be recommended BE NOT CONCURRED IN. The motion carried (see roll call vote attached as Exhibit 11).

ACTION ON HB 366: Senator Towe moved HB 366 be recommended BE NOT CONCURRED IN. Senator Pinsoneault stated in the state employer health plan, it is his understanding for the female employee is there is more premium paid by the employer than for the male employee. Senator Towe responded he is not entirely certain, but he thinks it used to be in a pension plan or an employee plan where there is an annuity, the question is how do you handle the annuity. The state pays in so much and the employees pay in so much. They don't have to pay in so much for a male because they are not expected to live as long. The United States Supreme Court case said if it is a state pension plan, you cannot discriminate because the state is providing an annuity for one or the other. Senator Pinsoneault stated that is on an annuity, but in health insurance, that is one of your major costs. There is more paid in by an employer for a female. Senator Crippen stated they have to have the same benefits, but actuarily you can show a female is going to have more costs, but the contributions are the same. That wouldn't make the premium any different. Even though they have the same benefits and contributions, when you underwrite these things, you look at them as a whole. Senator Towe commented if all state employees were male, it wouldn't cost us as much. Mr. Petesch commented he thought Senator Crippen was correct. When they look at the group as a whole, they look at the makeup of the whole; and everyone pays the same, and someone is subsidizing someone else, but the contribution of the whole is the same. The motion carried (see roll call vote attached as Exhibit 12).

ACTION ON HB 155: Proposed amendments were distributed to the committee (Exhibit 13). Mr. Petesch explained amendment No. 1 would still allow snake fights or fish fights. You left man in or you would be prohibiting kangaroo boxing or bear wrestling at the fair. Amendment No. 2 stated you wouldn't want to have that mental intent which is presently an

offense to own or allow these creatures to fight. You had a double intent standard. Amendment No. 5 allows falconing and training of dogs for hunting. Senator Towe moved adoption of the amendments. The motion carried unanimously. Senator Mazurek stated the other problem we still have is it is a felony to be in attendance. Senator Towe moved HB 155 be amended as follows:

Page 2, line 24.
Following: (c)
Insert: "knowingly"

The motion carried unanimously. Senator Pinsoneault moved HB 155 be recommended BE CONCURRED IN AS AMENDED. The motion carried with Senators Crippen and Daniels voting in opposition.

There being no further business to come before the committee, the meeting was adjourned at 12:05 p.m.

Committee Chairman

ROLL CALL

SENATE JUDICIARY COMMITTEE

49th LEGISLATIVE SESSION -- 1985 Date 02/18/85

NAME	PRESENT	ABSENT	EXCUSED
Senator Chet Blaylock	X		
Senator Bob Brown	X		
Senator Bruce D. Crippen	X		
Senator Jack Galt	X		
Senator R. J. "Dick" Pinsoneault	X		
Senator James Shaw	X		
Senator Thomas E. Towe	X		
Senator William P. Yellowtail, Jr.	X		
Vice Chairman Senator M. K. "Kermit" Daniels	X		
Chairman Senator Joe Mazurek	X		

PROPOSED AMENDMENTS TO HB 155:

1. Page 2, line 12.
Following: "or"
Strike: remainder of line 12 through "creature" on line 13
Insert: "mammal"

2. Page 2, line 17.
Following: "he"
Strike: "knowingly"

3. Page 3, line 2.
Following: "at"
Strike: "such"
Insert: "any"

4. Page 3, line 3.
Following: "exhibition"
Strike: ", fighting, menacing, or injuring of an animal"
Insert: "in which animals are fighting"

5. Page 3, line 15.
Following: "of"
Strike: "dogs"
Insert: "animals"
Following: "hunting"
Insert: "and training"

SENATE JUDICIARY COMMITTEE
EXHIBIT NO. 13
DATE 032185
BILL NO. HB 155

SENATE STANDING COMMITTEE REPORT

March 21 19 85

MR. PRESIDENT

We, your committee on JUDICIARY

having had under consideration HOUSE BILL No. 155

third reading copy (blue color)

(Senator Pinsoneault)

DECLARES A FELONY TO CAUSE OR ALLOW THE FIGHTING OF ANIMALS FOR SPORT

Respectfully report as follows: That HOUSE BILL No. 155

be amended as follows:

1. Page 2, lines 12 and 13.
Following: "or" on line 12
Strike: remainder of line 12 through "creature" on line 13
Insert: "mammal"

2. Page 2, line 17.
Following: "he"
Strike: "knowingly"

3. Page 2, line 24.
Following: (c)
Insert: "knowingly"

4. Page 3, line 2.
Following: "in"
Strike: "or is knowingly present at such"
Insert: "any"

DO PASS

DO NOT PASS

continued

Senator Joe Mazurek Chairman

HOUSE BILL NO. 155

5. Page 3, line 3.
Following: "exhibition"
Strike: ", fighting, menacing, or injuring of an animal"
Insert: "in which animals are fighting"

6. Page 3, line 15.
Following: "of"
Strike: "dogs"
Insert: "animals"
Following: "hunting"
Insert: "and training"

AND AS AMENDED

BE CONCURRED IN

Senator Joe Mazurek, Chairman

HOUSE BILL NO. 155

INTRODUCED BY HARPER, GRADY, RAPP-SVRCEK, MILES, M. WILLIAMS, GLASER, NATHE, PATTERSON, BERGENE, DARKO, ELLERD, KADAS, MERCER, EUDAILY, KRUEGER, LORY

A BILL FOR AN ACT ENTITLED: "AN ACT DECLARING IT A FELONY TO KEEP OR TRAIN AN ANIMAL WITH THE INTENT THAT THE ANIMAL BE ENGAGED IN AN EXHIBITION OF FIGHTING WITH ANOTHER ANIMAL, TO ALLOW OR CAUSE AN ANIMAL TO FIGHT ANOTHER ANIMAL, TO PERMIT A VIOLATION OF THIS ACT TO TAKE PLACE, OR TO AID, ABET, OR BE KNOWINGLY PRESENT AT SUCH FIGHTING BETWEEN ANIMALS; PROVIDING PENALTIES; AMENDING SECTION 45-8-211, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 45-8-211, MCA, is amended to read:

"45-8-211. Cruelty to animals. (1) A person commits the offense of cruelty to animals if without justification he knowingly or negligently subjects an animal to mistreatment or neglect by:

(a) overworking, beating, tormenting, injuring, or killing any animal;

(b) carrying any animal in a cruel manner;

(c) failing to provide an animal in his custody with proper food, drink, or shelter;

(d) abandoning any helpless animal or abandoning any animal on any highway, railroad, or in any other place where it may suffer injury, hunger, or exposure or become a public charge; or

(e) promoting, sponsoring, conducting, or participating in a horse race of more than 2 miles ~~or promoting,--sponsoring,--conducting,-or-participating-in-any fight-between-any-animals~~.

(2) A person convicted of the offense of cruelty to animals shall be fined not to exceed $500 or be imprisoned in the county jail for a term not to exceed 6 months, or both."

NEW SECTION. Section 2. Definition. For purposes of [section 3], "animal" means any cock, bird, dog, or ~~living creature~~ MAMMAL except man.

NEW SECTION. Section 3. Causing animals to fight -- owners, trainers, and spectators -- penalties -- exception. (1) A person commits the offense of causing animals to fight if he ~~knowingly~~:

(a) owns, possesses, keeps, or trains any animal with the intent that such animal fight or be engaged in an exhibition of fighting with another animal;

(b) allows or causes any animal to fight with another animal or causes any animal to menace or injure another animal for the purpose of sport, amusement, or gain;

(c) KNOWINGLY permits any act in violation of subsection (1)(a) or (1)(b) to take place on any premises under his charge or control, or aids or abets any such act;

(d) participates in ~~or is knowingly present at such~~ ANY exhibition~~, fighting, menacing, or injuring of an animal~~ IN WHICH ANIMALS ARE FIGHTING for the purpose of sport, amusement, or gain.

(2) A person convicted of violating this section is guilty of a felony and shall be fined an amount not to exceed $5,000 or imprisoned in the state prison for a term of not less than 1 year or more than 5 years, or both such fine and imprisonment.

(3) Nothing in this section prohibits the following:

(a) accepted husbandry practices used in the raising of livestock or poultry;

(b) the use of animals in the normal and usual course of rodeo events; or

(c) the use of ~~dogs~~ ANIMALS in hunting AND TRAINING as permitted by law.

NEW SECTION. Section 4. Codification instruction. Sections 2 and 3 are intended to be codified as an integral part of Title 45, chapter 8, part 2, and the provisions of Title 45 apply to sections 2 and 3.

-End-